

TOXIC SUBSTANCES CONTROL ACT (TSCA)12-2-D. Administrative Enforcement: Signing Penalty
Remittance Agreement and Remittance Orders1. AUTHORITY.

a. To sign agreements to remit all or part of a civil administrative penalty, as authorized by Section 16 (a) (2) (C) of the Toxic Substances Control Act (TSCA), if conditions cited in the remittance agreement are met by the respondent.

b. To sign an order remitting the penalty when the Agency is satisfied that the conditions have been met; and to sign an order not remitting the penalty and declaring that payment of the penalty is due, and collecting the required payment, when the Agency determines the conditions have not been met. The authority to remit penalties with conditions is contained in Section 16 (a) (2) (C) of TSCA.

2. TO WHOM DELEGATED.

a. The authority in 1.a. is delegated to the Director, Land and Chemicals Division (LCD); Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and the Regional Counsel.

b. The authority in 1.b. is delegated to the Regional Judicial and Presiding Officer.

3. LIMITATIONS.

a. Delegates must consult the Assistant Administrator for Enforcement and Compliance Assurance or designee before exercising any of the above authorities. This is to ensure that similar settlements are applied to similar violative situations.

b. The authority in 1.a. may only be exercised with the concurrence of the Regional Counsel.

c. The Director OECEJ may exercise this authority only in multi-media cases.

d. The Director OECEJ must consult with the LCD delegatee before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

TOXIC SUBSTANCES CONTROL ACT (TSCA)12-2-D. Administrative Enforcement: Signing Penalty
Remittance Agreement and Remittance Orders (Cont.)5. ADDITIONAL REFERENCES.

a. Section 16 (a) (2) (c) of TSCA, which permits the Administrator to remit penalties with conditions, and "Toxic Substances Control Act Settlement with Conditions" (November 16, 1983), which gives criteria for the use of remittance agreements, a description of the format and contents of such agreements, and a summary of the procedures for using these agreements.

b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must notify any affected Regional Administrators, or designees, when exercising any of the above authorities.

c. The Assistant Administrator for Enforcement and Compliance Assurance may waive the consultation requirement by memorandum.

Date: 11/9/98

/s/
W. Michael McCabe
Regional Administrator